



# PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: **Labor and Industries**

Subject of possible rule making: **Permanent total disability benefit**

**WAC 296-30-200 What happens when a victim on permanent total disability dies from a condition not related to the crime?**

The purpose of this rule making is to clarify RCW 7.68.070(5), RCW 7.68.070(13), RCW 51.32.060(7), and RCW 51.32.067. These statutes address the benefit of permanent total disability.

(a) **Statutes authorizing the agency to adopt rules on this subject:**

RCW 7.68.030

(b) **Reasons why rules on this subject may be needed and what they might accomplish:**

Prior to 1986 if a worker (victim of crime) died from an unrelated condition while on permanent total disability their award went to their dependents. In 1986 RCW 51.32.067 took effect. This statute has the worker (victim) choose an option before being placed on permanent total disability. The worker (victim) may choose the full monthly calculation, which if the worker (victim) died from an unrelated condition, the award would cease or the worker (victim) may choose an actuarially reduced monthly award which would provide for their dependents should they die from an unrelated condition.

RCW 51.32.067 establishes two of three options for permanent total disability awards based on actuarial lifetime calculations. RCW 7.68.070(13) establishes a maximum award of \$40,000 for permanent total disability which is calculated based on statute not, actuarial tables. The two statutes conflict. For this reason the crime victims compensation program has administered their permanent total disability under RCW 7.68.070(13), not RCW 51.32.067. This WAC clarifies how CVC implements RCW 7.68.070(13).

(c) **Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

N/A

(d) **Process for developing new rule (check all that apply):**

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) Public Hearing –The public will be given the opportunity to provide written comments and give oral testimony during the public hearing process.

(e) **How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Cletus Nnanabu, Crime Victim Compensation Program Manager  
PO Box 44520  
Olympia WA 98504-4520  
(360) 902-5340 telephone; e-mail: nnan235@Lni.wa.gov  
(360) 902-5333 fax

- **A public hearing, in Tumwater, will be scheduled.**
- **The Crime Victims Advisory Committee was notified at the quarterly meeting held on February 5, 2003.**
- **The Washington Coalition of Crime Victim Advocates was notified at their monthly meeting on March 11, 2003.**

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NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

DATE

May 19, 2003

**WSR # 03-11-058**